

PATENT

Customer No.: 6980

Docket No.: STAT1130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Owner: SIPCO LLC)	Group Art Unit: 2661
)	
Applicant: PETITE, Thomas D.)	Examiner: SAM, PHIRIN
)	
Patent No.: 6,914,893 (App. No.: 09/812,044))	Confirmation No: 9344
)	
Issued: 5 JULY 2005)	Docket No.: STAT1130
)	
Title: SYSTEM AND METHOD FOR)	
MONITORING AND CONTROLLING)	
REMOTE DEVICES)	

In accordance with 37 C.F.R. § 1.8, I certify that this correspondence is being transmitted to the Commissioner for Patents, MAIL STOP PETITION, P.O. Box 1450, Alexandria, VA 22313 via the USPTO's EFS-Web Electronic Filing System on **21 JANUARY 2009**.

/jameshuntanceyjr53809/
James Hunt Yancey, Jr., USPTO Reg. No. 53,809

37 C.F.R. § 1.132 DECLARATION OF RYAN A. SCHNEIDER

Dear Honorable Sir:

I, Ryan A. Schneider, Esq., declare as follows:

1. I acknowledge, under the penalty of perjury pursuant to 18 U.S.C. § 1001, that willful false statements and the like are punishable by fine or imprisonment, or both, and may jeopardize the validity of the above identified patent. I have personal knowledge of the statements and information contained herein. All statements made below on my knowledge are true, and all statements made below on information and belief are believed to be true. I make this declaration in support of the contemporaneously submitted *Patent Owner's Rule 183 Petition Requesting Confirmation of the Priority Claim Amendment Submitted During Prosecution & Alternative Rule 78 Petition For Acceptance of a Priority Claim* ("the Petition").

2. I am a partner at the law firm of Troutman Sanders LLP. I managed prosecution of United States Non-Provisional Patent Application Number 09/812,044 (“the Application”) after it was transferred to my firm in the fall of 2004. Mr. Thomas D. Petite, in a corporate capacity, engaged my firm to prosecute the Application; subsequent to transferring the Application to my firm, it was conveyed to SIPCO, LLC (“SIPCO”). SIPCO is currently a firm client.

3. Petite transferred the Application to the undersigned’s firm while it was pending at the USPTO and had an outstanding *Office Action*. Unknown to me at that time, when the Application was transferred to my firm, the Application’s priority claim contained a typographical error. The application number for a parent application contained a minor scrivener’s error (herein referred to as the “typographical error”).

4. Primary Examiner Sam examined the Application that issued as USPN 6,914,893 (the “Patent”). Examiner Sam issued a first *Office Action* on 20 August 2004, and on page 2 of the *Office Action*, Examiner Sam identified the typographical error existing in one the Application’s priority claims. Upon review of the Examiner’s *Office Action* I learned of the typographical error in the Application’s priority claim. As the Examiner noted in the *Office Action*, the typographical error resulted from a substitution of “90” in the place of “04” in a parent application’s serial number (the Application as filed referenced 09/790,150 but intended to reference 09/704,150).

5. I filed a 3 November 2004 *Response and Amendment* (“*Response*”) responding to the *Office Action*. In this *Response*, I submitted an amendment to clarify the typographical error appearing in the Application’s priority claim; the clarification followed the Examiner’s suggestion.

6. Due to the informal nature of the clarification and because Examiner Sam not only discovered the typographical error but mentioned the informality in the *Office Action*, I did not believe a “petition for correction” was necessary. Although noted in the *Office Action* at that time, I did not believe a scrivener’s error in a priority claim that was discovered by the Examiner was a petitionable issue. In addition, I read the discussion about a “petition for correction” as a

reference to a certificate of correction used to correct issued patents, thus not applicable to correct the typographical error.

7. After receiving the 3 November 2004 *Response*, Examiner Sam fully allowed the Application in a 27 December 2004 *Notice of Allowance*. In the *Notice of Allowance*, Examiner Sam fully allowed the Application, finding that the *Response* resolved all objections and rejections raised in the *Office Action*. The Examiner also accepted the clarification to the Application's priority claim by handwriting and initialing the change on a Bibliographic Data Sheet dated 27 December 2004. (See Attachment 1). I believed that Examiner Sam's acceptance of the clarified priority claim amendment confirmed that the clarification made in the *Response* sufficiently corrected the typographical error appearing in the Application's priority claim.

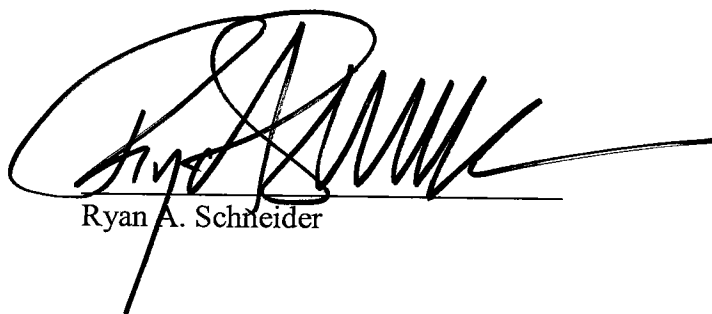
8. The USPTO issued the Patent with a reference to the correct priority application after Examiner Sam accepted the correction to the priority claim. I believed that USPTO's issuance of the Patent with the clarified priority claim amendment confirmed that the clarification made during prosecution sufficiently corrected the typographical error appearing in the Application's priority claim.

9. After receiving the issued Patent, my firm mailed the issued Patent to Petite for safekeeping.

10. Petite recently contacted me regarding a potential priority claim issue associated with the Patent. After consultation with Petite regarding the potential priority claim issue, it was decided to file the Petition out of an abundance of caution to address the potential issue with the Patent's priority claim.

11. My team and I then started preparing the Petition and after finalizing it with consultation with Petite, we filed the Petition with the USPTO's Petitions Office (on an even date as this *Declaration*). As a result, I believe I acted with haste to ensure that any delay in submitting this submission was unintentional when determining that I might be wrong to have assumed Examiner Sam had accepted the clarification to the priority claim without a Petition requesting same, or that Examiner Sam may have inadvertently waived Rule 78(a)(3) during prosecution of the Patent.

This 20th day of January, 2009.



Ryan A. Schneider

ATTACHMENT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BIBDATASHEET

CONFIRMATION NO. 9344

Bib Data Sheet

SERIAL NUMBER 09/812,044	FILING DATE 03/19/2001 RULE	CLASS 370	GROUP ART UNIT 2661	ATTORNEY DOCKET NO. 81607-1130	
APPLICANTS Thomas D. Petite, Douglasville, GA; <i>ps</i> <i>ps</i> ** CONTINUING DATA ***** <i>09/704,150 11/01/2000</i> This application is a CIP of <i>09/704,150</i> 02/21/2001 PAT 6,522,074 and claims benefit of 60/224,043 08/09/2000 (*Data provided by applicant is not consistent with PTO records. ** FOREIGN APPLICATIONS ***** <i>ps</i> IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/10/2001					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged <i>ps</i> Examiner's Signature Initials		STATE OR COUNTRY GA	SHEETS DRAWING 9	TOTAL CLAIMS 48	INDEPENDENT CLAIMS 6
ADDRESS Daniel R. McClure THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P. 100 Galleria Parkway, N.WI., Suite 1750 Atlanta, GA 30339-5948					
TITLE System and method for monitoring and controlling remote devices					
FILING FEE RECEIVED 727	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		